

III. REMARKS

It is respectfully submitted that pursuant to the provisions of 35 U.S.C. §103(c), Prior et al., U.S. Patent No. 6,349,220 ("Prior") is not a proper reference against Applicants' invention for the purposes of 35 U.S.C. §103(a).

Prior is owned by Nokia Mobile Phones Limited, the assignee of the instant application. The assignment is recorded at Reel/Frame 011396/0917. Thus, since Prior only qualifies as art under 35 U.S.C. §102(e), and both Prior and Applicant's invention were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person, Prior cannot preclude patentability of Applicants' invention by reason of 35 U.S.C. §103(a). (see 35 U.S.C. §103(c)).

Therefore, it is respectfully submitted that claims 1-23 should be allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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8 December 2003
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